

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter presents the elements of the environment potentially affected by the I-405 Corridor Program. Each subsection includes a description of the evaluation methodology, the existing conditions, and the potential impacts as well as possible measures to mitigate or avoid adverse impacts. Impacts are categorized as:

- Direct impacts (short-term construction and long-term operational)
- Secondary or indirect impacts
- Cumulative effects

Direct impacts are effects that have a straightforward cause-and-effect relationship to the programmatic action.

Secondary impacts, or indirect impacts, are reasonably foreseeable effects of an action that occur later in time or are further removed in distance from the direct effects of the proposal. Secondary impacts are discussed along with cumulative effects in Section 3.23.

Cumulative effects are the incremental or additive effects of the programmatic action in conjunction with other past, present, and future reasonably foreseeable actions, regardless of what agency or person undertakes such other actions. Cumulative effects are discussed along with secondary, or indirect, impacts in Section 3.23 for the scoped critical resources, including air quality, energy, surface water, wetlands, fish and aquatic habitat, and farmlands.

This EIS has identified adverse impacts that are anticipated to occur as a result of the proposed program alternatives to the extent feasible at a programmatic level of detail. Some of these impacts may be considered to be significant or substantial and will also be analyzed during project-level environmental analysis, documentation, and review. Potential mitigation has been identified in this section of the Final EIS and in Appendix J that addresses these adverse impacts, generally at a planning level of detail commensurate with the level of definition for the program alternatives. The details of such mitigation will need to await further project design and future project-level NEPA and SEPA environmental analysis, documentation, and review. Because impacts of the action alternatives include those of the No Action Alternative. The No Action Alternative includes committed or funded capital improvement projects and programs under the lead of cities, counties, Sound Transit and WSDOT. Mitigation for impacts to the No Action Alternative projects would be the responsibility of the project lead and may not in all cases be implemented by an I-405 co-lead agency as part of the I-405 Corridor Program.

Use of the word “significant” to qualify an impact in this EIS is done only for purposes of SEPA. It is not possible to determine at the programmatic level of analysis for this EIS if mitigation would reduce all identified adverse impacts to an insignificant level. However, the lead agencies intend to implement sufficient mitigation to accomplish this. The conclusion of whether there would be significant or substantial adverse impacts remaining after mitigation has been reassessed for the Final EIS based upon public and agency comments on the Draft EIS (see comments in Volume 2). No new significant impacts were identified based on public and agency comments or added analyses conducted as part of the Final EIS. This conclusion will be assessed again within the context of individual project actions during project-level environmental analysis, documentation, and review.

APPROACH TO MITIGATION

Mitigation for impacts is integral to the transportation improvements and is the prime responsibility of the respective project lead agency. It is expected that agencies will work together as a part of this corridor program to make sure that appropriate and coordinated mitigation measures are implemented.

With growth rates in King and Snohomish counties continuing to be among the highest in the state, it is becoming increasingly difficult to identify and acquire sites for mitigation of project impacts. While the growth rates and patterns indicate that there will be increasing pressures upon the available vacant land in King and Snohomish counties over the next 20 years, WSDOT and co-lead agencies are confident that there is a reasonable likelihood of being able to acquire mitigation sites needed to implement the proposed mitigation strategy.

While it is not possible at this programmatic level of analysis to determine the specific mitigation that will be necessary, it is possible to describe the process that the project proponents will use in identifying aquatic and natural resource mitigation measures. The proposed early-action environmental impact mitigation decision-making process identified in the I-405 Corridor Environmental Program will be used to mitigate for impacts of the I-405 Corridor Program projects. Please refer to Appendix J of the FEIS. This will facilitate obtaining mitigation sites well before projects are started. Acquiring these sites in the immediate future will increase the number of sites that can be considered for mitigation. This will allow WSDOT and co-lead agencies to make the greatest use of the mitigation opportunities that currently exist at the sub-basin, basin, and Water Resource Inventory Area (WRIA) levels.

In addition, WSDOT and the co-lead agencies have the ability to acquire property for required mitigation through eminent domain where practicable. If the most appropriate level to replace lost functions requires this tool, it is available. Of course, there may be financial restrictions and other limiting factors. Also, WSDOT has developed and implemented an effective advance environmental mitigation revolving fund that is used to acquire mitigation property well in advance of project construction. Various watershed management tools are also in development that will aid in the location and prioritization of appropriate mitigation actions.

WSDOT, in coordination with co-lead agencies, will develop a corridor-level mitigation plan for the I-405 corridor for resources protected and regulated by federal, state, and local jurisdictions. For further information about aquatic resource impacts and mitigation covered by this corridor level mitigation plan see sections 3.5 through 3.8, 3.10, and 3.11 in the FEIS. The plan will be developed prior to permitting individual projects based on a 5 percent design level planned for the corridor. The plan will include a more detailed analysis of project impacts and an analysis of mitigation opportunities. The mitigation will be focused first on-site, second within the same sub-basin, and third within the same watershed (i.e. WRIA) in order to find the most appropriate or best mitigation opportunity for each impact. Off-site and out-of-kind mitigation opportunities will be evaluated in accordance with the Alternative Mitigation Policy Guidance Interagency Implementation Agreement adopted on February 14, 2002 by WSDOT, the Washington State Department of Ecology (Ecology), and the Washington State Department of Fish and Wildlife to supplement in-kind, on-site opportunities.

The co-lead agencies anticipate that it may not be possible nor the most beneficial to the natural environment to mitigate all project impacts within the same sub-basin where the impact occurs. While the mitigation will be analyzed at various levels (sub-basin, basin, watershed), it will be

implemented at the most appropriate level to replace lost natural resource functions. For example, a project proponent may mitigate for lost wetland function and acreage through a combination of opportunities that involve on-site, in-kind mitigation within the sub-basin of impact and off-site mitigation in other sub-basins within the same watershed. The goal is to integrate transportation and environmental investments in a way that improves critical natural resources and supporting habitat, while ensuring that environmental mitigation funds are spent on the greatest environmental benefit.

In order to ensure a viable watershed-based mitigation program, WSDOT will seek state and federal general permits as allowed by the regulatory agencies as an alternative to individual permits. For example, general state Hydraulic Project Approvals covering specific activities may be sought and a General Section 404 Permit and 401 Certification will be sought. The actual scope and coverage of these permits will be determined through a collaborative process with the regulatory agencies. It is anticipated that these permits, once executed, will include general and special conditions agreed upon by the agencies with jurisdiction. This will ensure that WSDOT in cooperation with the resource agencies, local jurisdictions, basin committees and the public develops a comprehensive approach to mitigation planning for the corridor, that is not lost during individual project permitting. The general permits may also specify accelerated agency review/public review procedures as well as specification of applicable geographic areas and other criteria.

The corridor level mitigation plan will be developed prior to issuance of project-level permits. The plan will be consistent with the Corridor Environmental Program and proposed early-action environmental impact mitigation decision-making process presented in Appendix J of the FEIS. The plan will involve a mitigation site selection process based upon the following steps.

CORRIDOR-LEVEL MITIGATION PLAN DEVELOPMENT AT FIVE PERCENT DESIGN

1. Identify the potential unavoidable environmental impacts of the Preferred Alternative projects that will require mitigation based upon a planned 5 percent design level. Determine which impacts and functions must be mitigated on-site and in-kind, or may be mitigated off-site and in-kind, or off-site and out-of-kind.
2. Identify and inventory environmental restoration needs within WRIA 8 and WRIA 9 through the review of existing public documents such as watershed plans, habitat conservation plans, salmon and steelhead habitat limiting factor studies, water resource inventories, basin plans, and eco regional plans.
3. Identify additional restoration opportunities and needs on public and private land by holding partnering workshops in areas of interest. Partnering workshops function to bring together numerous interested parties to discuss and identify restoration needs and opportunities. Interested parties can include local tribes, local jurisdictions, other state agencies, nonprofit organizations such as Trout Unlimited and the Nature Conservancy, local salmon recovery boards, and private landowners among others.
4. Apply the Watershed Characterization Process to the corridor. Participate in the development of WRIA 8 and 9 watershed plans that will support restoration of habitat and maintain or improve water quality. This will include assisting in characterizing watershed conditions and identifying recovery areas that will have the greatest potential for long-term benefit. The characterization process in conjunction with the use of current aerial photos and land use cover data will serve to identify potential mitigation sites.

5. Identify potential mitigation and/or enhancement sites by combining the corridor mitigation needs with watershed characterization results, and the list of restoration needs and opportunities. Identify early-action and concurrent mitigation and/or enhancement opportunities that can be implemented consistent with the phasing of the Preferred Alternative projects.
6. Field verify the potential mitigation sites.

CORRIDOR-LEVEL APPROVALS

1. Narrow the list of potential mitigation sites by convening the Steering Committee or a sub-group of the Steering Committee to act as a mitigation task force. WSDOT, in cooperation with co-lead agencies, will first identify mitigation criteria and principles by consulting with the task force members and other agencies with jurisdiction. Using this information as a framework, WSDOT will develop draft mitigation criteria for the different types of resources impacted. The task force will review and approve the criteria. Selection and ranking of potential mitigation sites will be based upon these criteria. The ranking method will rank sites based on their ability to mitigate for impacted resources, including their proximity to the impacted sites (within the same sub basin, basin or WRIA), the ability to mitigate for functions that can not or should not be mitigated on site, the mitigation goals set by the stakeholders for the watershed, and other criteria as appropriate. Goals can range from maintaining wildlife linkage zones to maintaining habitat connectivity to re-establishing salmon in a sub-basin.
2. Develop a conceptual Corridor Mitigation Plan. Using the criteria and ranking methods created above, WSDOT will develop a draft conceptual Corridor Mitigation Plan. This plan will be submitted to the mitigation task force for review and comment and then to the regulatory agencies for approval.
3. Create programmatic, batched, and/or incremental ESA consultation agreements and work with other permitting agencies to establish and seek approval of corridor-level general permits on the Preferred Alternative projects.
4. Execute corridor-level memoranda of agreement (MOAs) or other appropriate implementation agreements with watershed groups, resource agencies, and local jurisdictions. These agreements would be used to formalize WSDOT's commitment to development and implementation of a comprehensive mitigation plan for the I-405 Corridor Program FEIS. These corridor level memoranda will be executed with the local, state, and federal resource agencies with regulatory authority over the specific resource to be mitigated. Also at this time, WSDOT will execute MOAs/Memoranda of Understanding (MOUs) with the local watershed groups as necessary to implement the corridor mitigation plan. WSDOT anticipates multiple agreements, with a least one between WSDOT and the federal agencies; one between WSDOT and state agencies; and one or more between WSDOT and individual local jurisdictions. Agreements between other project proponents, such as King County, and the regulatory agencies may be necessary. Agreements between WSDOT and the resource agencies and agreements between WSDOT and the WRIA participants will be kept separate.
5. Develop an acquisition strategy for purchasing the sites.

IMPLEMENTATION

1. Develop mitigation site agreements and begin acquisition and permitting process for the mitigation sites. Agreements for each mitigation site will further define the mitigation site, its size, functions to be provided, credits available etc.
2. Implement early actions.
3. Secure project-level permits and implement transportation project-level elements of Preferred Alternative.

The comprehensive mitigation planning process described in this section will be included in the Record of Decision.

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